



Fair Political Practices Commission

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NEWS RELEASE

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FPPC enforcement decisions: April 19, 2005

The following are enforcement decisions approved by the Fair Political Practices Commission at its regular monthly meeting held in Sacramento on Tuesday, April 19, 2005. Decisions are divided by category and include a brief summary of each case and the total amount of the fine or fines in each case.

Additional information on each of the enforcement cases below can be found in the March agenda on the FPPC website at <http://www.fppc.ca.gov>. FPPC agendas are distributed and posted on the agency website 10 days prior to each monthly meeting.

The web version of the agenda includes links to the stipulations agreed to by the commission and by the individuals and organizations subject to the fines, or the default decisions ordered by the commission. Exhibits in support of the stipulations and default decisions are also available on the website. If you are unable to access the FPPC website, or need further assistance, please call the FPPC press office at 916-322-7761.

Campaign Reporting Violations (Default Decision)

In the Matter of Yes on Measure G, Committee for Measure B: Measure B for Berryessa, and Lawrence S. Nichols, FPPC No. 98/597. Staff: Senior Commission Counsel Deanne Canar. Respondent Yes on Measure G and Respondent Committee for Measure B: Measure B for Berryessa were committees primarily formed to support a bond measure in the Berryessa Union School District in Santa Clara County. Respondent Lawrence S. Nichols, also known as Larry Nichols, was the treasurer for both committees. Respondents Yes on Measure G and Nichols failed to itemize contributions in campaign statements, in violation of Government Code section 84211, subdivision (f) (3 counts); failed to file, or timely file, semi-annual campaign statements, in violation of Government Code section 84200, subdivision (a) (10 counts); and failed to report sub-vendor information in a campaign statement, in violation of Government Code sections 84211, subdivision (k) and 84303 (1 count). Respondents Committee for Measure B: Measure B for Berryessa, and Nichols failed to timely file pre-election campaign statements, in violation of Government Code section 84200.8 (2 counts); failed to itemize contributions in campaign statements, in violation of Government Code section 84211,

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subdivision (f) (3 counts); and failed to file, or timely file, semi-annual campaign statements, in violation of Government Code section 84200, subdivision (a) (7 counts). \$26,000 fine.

Campaign Reporting Violations

In the Matter of Nathaniel Bates, Richmond City Councilman Nat Bates, Nat Bates for Mayor, and Larry Bates, FPPC No. 99/726. Staff: Senior Commission Counsel William L. Williams, Jr. and Investigator II Charlie Bilyeu. Respondent Nathaniel Bates was a successful candidate for the Richmond City Council in the 1999 general election. Respondent Richmond City Councilman Nat Bates was the controlled committee of Respondent Nathaniel Bates in that 1999 election. Respondent Nathaniel Bates was an unsuccessful candidate for Mayor of the City of Richmond in the 2001 general election. Respondent Nat Bates for Mayor was the controlled committee of Respondent Nathaniel Bates in that 2001 election. Respondent Larry Bates was the treasurer of both committees. Respondents Nathaniel Bates, Richmond City Councilman Nat Bates, and Larry Bates failed to disclose the receipt of a late contribution on a properly filed late contribution report, in violation of section 84203 of the Government Code (1 count), and failed to properly disclose the receipt of contributions in a pre-election statement in violation of section 84211, subdivision (f) of the Government Code (1 count). Respondents Nathaniel Bates, Nat Bates for Mayor, and Larry Bates failed to properly disclose the receipt of contributions in a pre-election statement in violation of Government Code section 84211, subdivision (f) (1 count). \$7,000 fine.

In the Matter of Black Men & Women and George Livingston, FPPC No. 99/726. Staff: Senior Commission Counsel William L. Williams, Jr. and Investigator II Charlie Bilyeu. Respondent Black Men & Women was a city general purpose committee in Richmond. Respondent George Livingston was the treasurer of the committee. Respondents failed to disclose the making of a late contribution on a properly filed late contribution report, in violation of section 84203 of the Government Code (1 count), and failed to properly disclose the making of contributions in a pre-election statement, in violation of Government Code section 84211, subdivision (k) (2 counts). \$7,000 fine.

In the Matter of Jack Scott, Jack Scott for State Senate Committee, and Jonathan Fuhrman, FPPC No. 02/507. Staff: Senior Commission Counsel Julia Bilaver and Accounting Specialist Bill Marland. Respondent Jack Scott was a successful candidate for the California State Senate, 21st District, in the November 7, 2000 statewide general election. Respondent Jack Scott for State Senate Committee is the controlled committee of Respondent Jack Scott, and Respondent Jonathan Fuhrman is the treasurer of Respondent Committee. Respondents failed to properly disclose 18 late contributions in paper late contribution reports, in violation of Government Code section 84203, subdivision (a) (18 counts); and failed to properly disclose seven late contributions in electronic late contribution reports, in violation of Government Code section 84605, subdivision (a) (7 counts). \$39,000 fine.

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In the Matter of George E. Williams, Williams for Supervisor, and Gloria F. Cavenee, FPPC No. 03/027. Staff: Senior Commission Counsel Julia Bilaver and Investigator II Charlie Bilyeu. Respondent George Williams was an unsuccessful candidate for the Placer County Board of Supervisors in the March 7, 2000 primary election. Respondent Williams for Supervisor was the controlled committee of Respondent Williams, and Respondent Gloria Cavenee was the treasurer of Respondent Committee. Respondents failed to report required information regarding contributions of \$100 or more on two pre-election campaign statements, in violation of Government Code section 84211, subdivision (f) (2 counts). \$2,000 fine.

Conflicts of Interest Violations and Campaign Reporting Violations

In the Matter of Andy Quach, Andy Quach for City Council, and Diemmy N. Tran, FPPC No. 01/205. Staff: Senior Commission Counsel Deanne Canar and Investigator III Sandra Buckner. Respondent Andy Quach was a member of the Planning Commission for the City of Westminster, and a candidate for the Westminster City Council. Respondent Quach failed to disclose campaign contributions aggregating more than \$250 from a party to a proceeding that was pending before the Westminster Planning Commission, and failed to disqualify himself from making and participating in decisions involving that party, in violation of Government Code section 84308, subdivision (c) (2 counts). Respondent Andy Quach for City Council was the committee established by Respondent Andy Quach to support his candidacy for city council. Respondent Diemmy N. Tran was the treasurer of Respondent Committee until the election. Respondents Andy Quach, Andy Quach for City Council, and Diemmy N. Tran received cash contributions, in violation of Government Code section 84300, subdivision (a) (1 count); failed to disclose a late contribution, in violation of Government Code section 84203 (1 count); failed to disclose required contributor information, in violation of Government Code section 84211, subdivision (f) (2 counts); and failed to maintain campaign records, in violation of Government Code section 84104 (3 counts). \$11,500 fine.

Statement of Economic Interests Non-filing (Default Decision)

In the Matter of Kevin Dunigan, FPPC No. 04/110. Staff: Senior Commission Counsel Julia Bilaver. Respondent Kevin Dunigan, a member of the Inglewood Planning Commission, failed to timely file a 2003 annual statement of economic interests, in violation of Government Code section 87203 (1 count). \$3,000 fine.

Late Contribution Reporting Violations -- Streamlined Program

Failure to Timely Disclose Late Contributions -- Proactive Program. Chief Investigator Sue Straine and Political Reform Consultant Mary Ann Kvasager. The following persons and entities have entered into stipulations for failure to file late contribution reports in 2003 and 2004, in violation of Government Code Section 84203:

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- **In the Matter of GenCorp, Inc., FPPC No. 04/723.** GenCorp, Inc. of Sacramento failed to timely disclose late contributions totaling \$14,000.00 in 2004 (3 counts). \$2,100 fine.
- **In the Matter of Anaflor Q. Smith, FPPC No. 05/121.** Anaflor Q. Smith of Woodside failed to timely disclose a late contribution of \$10,000.00 in 2003 (1 count). \$1,500 fine.
- **In the Matter of Turner Construction Company, FPPC No. 05/123.** Turner Construction Company of Oakland failed to timely disclose a late contribution of \$10,000.00 in 2004 (1 count). \$1,500 fine.
- **In the Matter of 3D/International, FPPC No. 05/125.** 3D/International of Houston, Texas failed to timely disclose late contributions totaling \$10,000.00 in 2004 (2 counts). \$1,500 fine.
- **In the Matter of Outback Steakhouse, Inc., FPPC No. 05/126.** Outback Steakhouse, Inc. of Tampa, Florida failed to timely disclose a late contribution of \$10,000.00 in 2004 (1 count). \$1,500 fine.
- **In the Matter of DMB Ladera, LLC, FPPC No. 05/129.** DMB Ladera, LLC of San Juan Capistrano failed to timely disclose a late contribution of \$10,000.00 in 2004 (1 count). \$1,500 fine.
- **In the Matter of Southland Motor Car Dealers Association, FPPC No. 05/130.** Southland Motor Car Dealers Association of Long Beach failed to timely disclose a late contribution of \$25,000.00 in 2004 (1 count). \$3,500 fine.
- **In the Matter of V. EMailng Company, FPPC No. 05/133.** V. EMailng Company of Washington, D.C. failed to timely disclose a late contribution of \$11,898.88 in 2004 (1 count). \$1,784.83 fine.

Major Donor Reporting Violations -- Streamlined Procedure

12. Failure to Timely File Major Donor Campaign Statements. Staff: Chief Investigator Sue Straine and Political Reform Consultant Mary Ann Kvasager. The following persons and entities have entered into stipulations for failing to file major donor campaign statements that were due during the calendar years of 2002 and 2003, in violation of Government Code section 84200:

- **In the Matter of Colich & Sons, L.P., FPPC No. 03/572.** Colich & Sons, L.P. of Gardena failed to timely file a semi-annual campaign statement disclosing contributions totaling \$12,450.00 in 2002 (1 count). \$800 fine.

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- **In the Matter of Comcast Corporation and Affiliated Entities, FPPC No. 05/187.**
Comcast Corporation and Affiliated Entities of Philadelphia, Pennsylvania failed to timely file semi-annual campaign statements disclosing contributions totaling \$49,250.00 in 2003 (2 counts). \$800 fine.

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